



THE CITY OF NEW YORK
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November 4, 2015

BY E.C.F.

The Honorable James Orenstein
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Earl Albino v. City of New York, et al., 15-cv-3823 (JG)(JO)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to the above-referenced matter. Defendants respectfully request that the Court grant an adjournment of the settlement conference currently scheduled for November 10, 2015 at 10:00 a.m. This is defendants' first request for an adjournment of the settlement conference, and this request does not affect any other deadlines in this matter. Plaintiff's counsel, Robert Marinelli, Esq., consents to this request.

Plaintiff alleges, *inter alia*, that on or about August 21, 2014, he was falsely arrested by New York City Police Officers for criminal sale of marihuana. Since the Initial Conference held on September 28, 2015, the parties have made all Initial Disclosures pursuant to Federal Rule of Civil Procedure 26 and served their respective discovery demands. The parties have conducted initial settlement discussions and plaintiff has made an initial demand. Defendants are currently evaluating plaintiff's initial demand and anticipate providing plaintiff with a response shortly. Discovery responses and depositions have not been completed, but will be conducted in due course once written discovery is complete should this case not be resolved.

The reason for the request for adjournment is that the undersigned has a scheduling conflict in another matter previously scheduled on the same date, November 10, 2015. The undersigned also has numerous upcoming depositions on other matters, making it difficult to schedule a settlement conference between now and the upcoming Thanksgiving holiday. Moreover, after conferral with plaintiff's counsel, the parties are optimistic that this case may be resolved without the need for further judicial assistance. Accordingly, the parties

request that the settlement conference be rescheduled for December 10, 11, 14, or a date and time convenience to the Court after Thanksgiving.

Defendants thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/

Joshua M. Friedman
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **By E.C.F.**
Robert Marinelli, Esq.